

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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UNITED NATIONAL SPECIALTY INSURANCE DocketNo:07-CV-10934
COMPANY, (PKC)(THK)

Plaintiff,

NOTICE OF MOTION

-against-

1854 MONROE AVENUE H.D.F.C. and EULALIA
BALAGUER,

Defendants.
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PLEASE TAKE NOTICE that, upon the annexed Attorney's Declaration of Steven Verveniots and the exhibits annexed thereto; the affidavit of Mark Smith, with exhibits thereto; defendant's Statement Pursuant to Fed Local Civil Rule 56.1; the accompanying Memorandum of Law; and upon all pleadings and proceedings heretofore had herein, defendant United National Specialty Insurance Company, will move this Court before the Honorable P. Kevin Castel at the United States District Court for the Southern District of New York, located at 500 Pearl Street, New York, New York, on a date and time to be determined by the Court, for an Order, pursuant to Fed. R. Civ. P. 56, granting United National summary judgment declaring:

1) that this Court's previous finding against 1854 Monroe Avenue H.D.F.C. in this action is binding as against Eulalia Balaguer and warrants summary judgment against Eulalia Balaguer as a matter of law; and

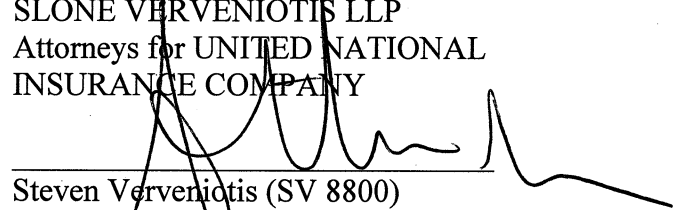
2) that United National is entitled to a declaration that it has no obligation to Eulalia Balaguer under the policy of insurance that United National issued to 1854 Monroe Avenue H.D.F.C. with regards to the claims asserted or any judgment obtained in an underlying

personal injury action commenced by Eulalia Balaguer against 1854 Monroe Avenue H.D.F.C. in the Supreme Court for the State of New York, Bronx County, captioned Eulalia Balaguer v. 1854 Monroe Avenue Housing and Development Corporation, under index number 15713/07; and

3) for such other and further relief as this court deems just, equitable and proper.

Dated: Mineola, New York
May 14, 2008

MIRANDA SOKOLOFF SAMBURSKY
SLONE VERVENIOTIS LLP
Attorneys for UNITED NATIONAL
INSURANCE COMPANY



Steven Verveniotis (SV 8800)
240 Mineola Boulevard
The Esposito Building
Mineola, New York 11501
(516) 741-7676
Our File No. 07-544

TO: Michael C. Beatty, Esq.
Feldman, Kronfeld & Beatty
42 Broadway, 19th Floor
New York, NY 10004